

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
STERLING SUFFOLK RACECOURSE, LLC,)
)
Plaintiff,)
) Civil Action No.
v.) 1:18-cv-11963-PBS
)
WYNN RESORTS, LTD; WYNN MA, LLC;)
STEPHEN WYNN; KIMMARIE SINATRA;)
MATTHEW MADDOX; and FBT EVERETT)
REALTY, LLC,)
)
Defendants.)
)

**ASSENTED-TO MOTION TO EXTEND BRIEFING SCHEDULE
FOR MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 6(b)(1), Plaintiff Sterling Suffolk Racecourse, LLC (“SSR” or “Plaintiff”) hereby moves, with the consent of all defendants, for an extension of the briefing schedule for its single consolidated opposition brief to all initial motions filed or to be filed by the various defendants until February 12, 2019.

In support of this motion SSR states as follows:

1. This is a civil RICO case against multiple defendants with multiple additional state-law causes of action alleged. The initial scheduling conference has recently been set for February 26, 2019. Because it appeared likely that multiple initial motions in response to the complaint would be filed on different dates by various separately-represented defendants, with significantly overlapping content, this Court previously set January 31, 2019 as the due date for a single consolidated opposition brief to all such motions by granting a prior assented-to scheduling motion. *See* Docket No. 35.

2. At the time the January 31 date was requested by Plaintiff and approved by the Court, the latest date for any defendant to respond to the complaint was January 10, 2019. However, since that time, several of the defendants have requested extensions of their time to respond, most recently defendant Kimmarie Sinatra's request to extend her time to respond until January 23, 2019.

3. Plaintiff's counsel yesterday advised both Ms. Sinatra's counsel and all other defense counsel that while it wished to accommodate Ms. Sinatra's request, it would make the January 31, 2019, due date for the consolidated opposition impracticable, and that accordingly Plaintiff would consent to Ms. Sinatra's request if both Ms. Sinatra and all other defendants consented to an extension of the deadline for the filing of the consolidated opposition brief through and including February 12, 2019.

4. Counsel for Ms. Sinatra and all other defendants have consented to this requested extension. The requested extension of twelve calendar days beyond January 31 is in keeping with the changed circumstances of a thirteen-calendar-day extension of the due date of the last anticipated motion from any of the defendants from the date that was calendared at the time the January 31, 2019 deadline was requested and approved by the Court.

5. SSR remains confident that the total number of pages that will be required for the consolidated opposition brief will be substantially less than would be required if SSR were to file multiple opposition briefs to the separate motions made and anticipated to be made by the various defendants, and that filing such a consolidated opposition rather than multiple opposition briefs will help make the Court's review and decision-making more efficient. SSR will make a further motion requesting a specific page limitation for the consolidated opposition brief,

hopefully with the assent of all defendants, shortly after receiving and reviewing the last-to-be-filed anticipated motion on January 23, 2019.

WHEREFORE, for the foregoing reasons, SSR respectfully requests that the Court grant this motion and extend the briefing schedule for the pending motions (Docket Nos. 14-17) as well as any motions to dismiss filed by any and all of the remaining defendants until February 12, 2019.

Respectfully submitted,

/s/ Joseph R. Donohue
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Attorneys for Plaintiff Sterling Suffolk Racecourse, LLC

LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that counsel for Plaintiff has conferred with counsel for all Defendants in a good faith attempt to resolve or narrow the issues raised by this motion, and counsel for all Defendants have assented.

/s/ Joseph R. Donohue
Joseph R. Donohue

CERTIFICATE OF SERVICE

I certify that this Motion to Extend Briefing Schedule was filed electronically through the Court's CM/ECF system on January 4, 2019 and served electronically on all counsel of record.

/s/ Joseph R. Donohue
Joseph R. Donohue